

Independent Police Complaints Council
Final Report on Complaint Cases
Arising From The Visit by the Vice Premier Mr. LI Keqiang

Executive Summary

Part I - Overview

1.1 Between 16 and 18 August 2011, the Hong Kong Police Force (“**the Police**”) conducted a series of security operations to protect Mr. LI Keqiang, the Vice Premier of the State Council of the Central People’s Government (“**the VP**”), during his visit to Hong Kong. Some members of the public, including reporters, protestors, petitioners and road users who were inconvenienced by the security arrangements lodged a total of 16 Reportable Complaints against various police officers. There were also widespread public discontent and concern over the magnitude of the security arrangements adopted by the Police.

1.2 As a result, the Independent Police Complaints Council (“**IPCC**”) decided that, in addition to discharging its statutory responsibilities in monitoring and scrutinising the relevant complaint investigations conducted by the Complaint Against Police Office (“**CAPO**”), it would also exercise its function under section 8(1)(c) of the Independent Police Complaints Council Ordinance (“**IPCCO**”) to conduct a holistic review of the security measures implemented in the security operations with a view to making recommendations to the Chief Executive (“**CE**”) and the Commissioner of Police (“**CP**”) for better planning and execution of similar operations in the future.

1.3 In May this year, IPCC released an Interim Report on its monitoring

and review of the CAPO complaint investigations, in which 9 out of the 16 complaint cases were endorsed.

1.4 Since then IPCC has raised further queries with CAPO, and inspected the relevant extracts of the Police Operational Orders for the purpose of resolving the outstanding issues.

1.5 This Final Report summarises the work done by IPCC in its monitoring and scrutiny of the remaining 7 complaint cases as well as its observations and recommendations on the security measurements implemented by the Police.

Part II - The 7 Outstanding Complaint Cases

2.1 Of the 7 outstanding complaint cases, 5 cases (Case 2, 3, 11, 12 and 13) are now endorsed by IPCC after its queries being satisfactorily answered by CAPO.

2.2 One case (Case 15) remains “Sub-Judice” as COM 15 has lodged an appeal against her conviction, which is still pending. Complaint investigation would be resumed upon the completion of the judicial proceedings.

2.3 The last case (Case 16) contains 6 allegations, 4 of which have been endorsed in the Interim Report. The remaining 2 allegations [Allegations (d) & (f)] relate to complainees’ decisions on setting up the Designated Press Areas (“DPA”). IPCC was unable to endorse these 2 allegations for want of further information.

2.4 Upon examination of all information supplied by CAPO, IPCC is of

the view that it is uncertain whether there could be more proper arrangements for setting the DPA at a location closer to the venue having regard to the key issue of striking a balance between security needs and the freedom of press. Hence IPCC opines that the allegations should be more appropriately classified as “Unsubstantiated”.

2.5 CAPO does not subscribe to the views of IPCC, and maintains that the allegations should be classified as “No Fault”. Hence this case is submitted to CE for his consideration pursuant to section 19(3) of the IPCCO.

Part III - The Security Measures: Observations & Recommendations

3.1 According to the Police, the security operation in protecting the safety of the VP during his visit to Hong Kong necessitated stringent security measures including closure of footbridges and control of pedestrians on roads where the VP’s motorcade would pass, and that no protest activities would be allowed in the Security Zone (“SZ”) the demarcation of which was decided by the relevant police commanders and kept confidential.

3.2 With regard to the planning of the security operations, IPCC observes that some Operational Orders contained guidelines, the wording of which was ambiguous in meaning and application, which might confuse the frontline officers in carrying out their duties or making decisions on the spot. An example is that officers were reminded to take action where necessary to pre-empt embarrassment or threat to the VP, and that they should ensure that events attended by the VP be conducted in a smooth and dignified manner.

3.3 IPCC is given to understand that the Police had not further elaborated on the meaning and application of the above guidelines. In order to avoid

inconsistencies and confusions on the part of the frontline officers in interpreting these guidelines, IPCC recommends that all Operational Orders, in particular those containing general and overriding guidelines, should be standardised in wording and coordinated by the Operations Wing, and that ambiguous wording should be avoided.

3.4 IPCC is further given to understand that improvement measures along the above lines have been implemented by the Police in the security operations relating to the visit by President Mr. HU Jintao this year.

3.5 With regard to the setting up of SZ, DPA and Designated Public Activity Areas (“**DPAA**”) as well as related security measures adopted therein, IPCC observes that there were no clear guidelines in the Operational Orders. The demarcation of SZ, the locations of DPA and DPAA, and the related security measures were all deferred to the discretion of the individual police commanders. This may give rise to inconsistencies or even failure in striking the right balance between security needs and the rights of the citizens.

3.6 In particular, IPCC perceives that the blanket prohibition against any protesting activities within the SZ may inhibit the rights of citizens in petitioning or expressing their views in a manner which is otherwise permitted by law.

3.7 With a view to minimising similar complaints in the future, IPCC has made a number of recommendations for CP’s consideration. Details of these recommendations are in paragraph 3.17 of this Final Report.

3.8 Paragraph 3.18 of this Final Report illustrates some improvement measures adopted by the Police in this aspect. IPCC welcomes these measures.

3.9 IPCC has also made observations and recommendations on the Police actions in footbridge closure, pedestrian clearance and traffic control. Details are in paragraphs 3.19 to 3.26 of this Final Report.

Part IV - Conclusion

4.1 IPCC is of the view that there is room for improvement in the planning and execution of the relevant security measures.

4.2 IPCC opines that the Police should seek improvement in the following areas:

- i) Better communication co-ordinated by the Operations Wing as the central command unit;
- ii) Clear guidelines be used in Operational Orders or other form of instructions to the frontline officers so as to ensure that police powers are exercised without any misunderstanding or confusion on the missions and objectives to be achieved;
- iii) Enhanced communication with members of the public and the press insofar as practicable for the purpose of enlisting their cooperation and understanding; and
- iv) Review the relevant security measures vigilantly and at regular intervals so as to ensure that a right balance between security requirements and rights of the citizens is always maintained.

Independent Police Complaints Council

18 December 2012